

RETURN to an Order of the Honourable the House of Commons,
dated 6 March, 1899;—for,

“A RETURN, giving text of all CIRCULARS issued by order of the LORD
LIEUTENANT OF IRELAND in connection with the Administration of THE
INDUSTRIAL SCHOOLS (IRELAND) ACT.”

(Mr. Dillon.)

Ordered, by THE HOUSE OF COMMONS, to be Printed
March 17, 1899.

DUBLIN:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
BY ALEXANDER THOM & CO. (LIMITED).

And to be purchased, either directly or through any Bookseller, from
HODGKIN, FISHER, and Co. (Limited), 104, Grafton-street, Dublin; or
EYRE and SPOTTISWOODS, East Harding-street, Fleet-street, E.C., and
32, Abingdon-street, Westminster, S.W.; or
JOHN MENZIES and Co., 12, Hanover-street, Edinburgh, and
90, West Nile-street, Glasgow.

CIRCULAR TO MAGISTRATES THROUGHOUT IRELAND

DUBLIN CASTLE,
13th July, 1871.

GENTLEMEN,—The attention of the Lords Justices having been called to the great inconvenience occasioned by Orders made under the Industrial Schools Act (Ireland), 1868 (31 Vic., cap. 25), without due regard to the requirements of the Act, I am directed by Their Excellencies to request your particular attention to the provisions of the 3rd and 11th Sections, which require that every Order for the detention of any child under the Act (except only in the Dublin Metropolitan Police District) shall be made by two or more Justices in Petty Sessions before whom the child must be brought.

I have the honor to be,

Gentlemen,

Your obedient Servant,

T. H. BURKE.

CIRCULAR TO MAGISTRATES IN PETTY SESSIONS.

(Industrial and Reformatory Schools.)

DUBLIN CASTLE,
13th January, 1873.

GENTLEMEN,—The attention of the Lord Lieutenant having been called to the large increase in the number of Children ordered for detention in Industrial Schools, and the great additional expense entailed thereby, I am directed by His Excellency to request your special attention to the following considerations in the administration of the Industrial Schools Act (Ireland) 1868 (31 Vic., c. 25), and the Irish Reformatory Schools Act, 1868 (31 & 32 Vic., c. 59):—

1. The classes of Children who may be ordered to be sent to Industrial Schools are distinctly specified in the 11th and 13th Sections of The Industrial Schools Act (Ireland), 1868, and the 14th Section of The Prevention of Crimes Act, 1871 (34 and 35 Vic., c. 112), and it is essential that Magistrates before they make an Order for detention should satisfy themselves, by a strict and searching examination of the evidence, that the Child is a proper object for an Industrial School, and is within one or other of the classes specified.
2. Except in the Dublin Metropolitan Police District, every Order of detention must be made by two or more Magistrates in Petty Sessions. The Order must also accurately define by date the term during which the Child is to remain in the Industrial School. Orders have not unfrequently been made for detention until the Child shall attain a particular age, by which the unauthorized obligation of ascertaining the age is imposed on the Managers of the Institution; and His Excellency is advised that all such Orders are irregular.

3. The nature and extent of parental responsibility is defined by the 30th Section of The Industrial Schools Act (Ireland), 1868; and the circumstances of every case brought before Magistrates under that Section ought to be thoroughly investigated, and, in proper cases, such weekly payments ordered as may be suitable to the means and condition of the parents, and prevent them from seeking to evade their just responsibility by unduly subjecting the public to the burden of maintaining their children. It should be remembered that the parents would (if the Child had not been sent to the Industrial School) have been bound to support the Child, and it has been found that obliging the parents to pay a weekly sum proportionate to their means has a most salutary moral effect, while it diminishes the cost of these Institutions to the public.

The above observations in reference to enforcing parental responsibility in the cases of Children sent to Industrial Schools apply equally to the cases of those committed to Reformatory Schools which may be brought before Magistrates under the 23rd and 24th Sections of The Irish Reformatory Schools Act, 1868 (31 and 32 Vic., c. 59).

I have the honor to be,

Gentlemen,

Your obedient Servant,

T. H. BURKE.

CIRCULAR TO MAGISTRATES AT PETTY SESSIONS.

DUBLIN CASTLE,

30th May, 1873.

GENTLEMEN,—I am directed by His Excellency the Lord Lieutenant to acquaint you that His Excellency's attention has been again called to the serious irregularities which have occurred in the administration by Magistrates of The Industrial Schools Act (Ireland), 1868 (31 Vic., c. 25), both with respect to the children ordered to be detained and the amounts ordered to be paid by persons on whom the responsibility of contributing to the support of children detained in Industrial Schools is imposed by law.

I am to point out that no Order for Detention can lawfully be made unless the child strictly comes within one or more of the classes defined by law, and that before making any Order for Detention Magistrates ought to satisfy themselves by a careful examination of the evidence laid before them that the child is a fit object for an Industrial School.

His Excellency is advised that the following is a summary of the *only* grounds upon which a lawful Order of Detention can be made, namely:—

Under the Industrial Schools Act (Ireland), 1868 (31 Vic., c. 25), s. 11, the child must be apparently under fourteen years of age, and must also be—

- (1) A child found begging or receiving alms, whether doing so actually or under pretext of selling anything or offering anything for sale; or

- (2) A child being in any street or public place for the purpose of begging or receiving alms, whether actually doing so or under pretext of selling anything or offering anything for sale; or
- (3) A child found wandering, and not having any home; or
- (4) A child found wandering, and not having any settled place of abode; or
- (5) A child found wandering, and not having proper guardianship; or
- (6) A child found wandering, and not having visible means of subsistence; or
- (7) A child found destitute, and being an orphan without any parent; or
- (8) A child found destitute, and having a surviving parent who is undergoing penal servitude or imprisonment; or
- (9) A child who frequents the company of reputed thieves.

The 13th Section of The Industrial Schools Act (Ireland), 1868 (31 Vic., c. 25), specifies also a class additional to the classes above enumerated, and requires that the child shall be apparently under twelve years of age, and charged before two or more Magistrates in Petty Sessions, or before a Divisional Magistrate in a Dublin Police Court, with an offence punishable by imprisonment, or a less punishment, but who has not been convicted of felony, and who in the opinion of such Magistrates or Divisional Magistrate, ought (regard being had to the age of the child and the circumstances of the case) to be dealt with under the Act.

In any of the foregoing cases the Detention Order may be made by two Magistrates in Petty Sessions, or a Divisional Magistrate in a Dublin Police Court.

In addition to the classes above specified The Prevention of Crimes Act, 1871 (34 & 35 Vic., c. 112), s. 14, enacts that, when a woman is convicted of crime, as defined by the 20th Section of that Act, and a previous conviction is proved against her, her child or children, fulfilling all of the following conditions, namely—

- (a) Under fourteen years of age,
- (b) And under her care and control when she is convicted of the last of such crimes,
- (c) And who have no visible means of subsistence, or—
Are without proper guardianship—

may be sentenced to detention under The Industrial Schools Act (Ireland), 1868, either by the Court before which such woman is convicted, or by two Magistrates in Petty Sessions, or by a Divisional Magistrate in a Dublin Police Court.

A Detention Order on any other ground than above specified is illegal and void.

With reference to Orders for contributions towards the support of children in Industrial Schools, I am to request your attention to the provisions of The Industrial Schools (Ireland) Act, 1868, secs. 29 & 30, and to inform you that cases have been brought under His Excellency's notice, in some of which Magistrates have (apparently without sufficient grounds) declined to make any Order for contribution, and in others of which the amount ordered to be contributed has (apparently) been wholly incommensurate with the requirements and circumstances of the cases and the means of the persons required by law to contribute towards the support of the children for whom they are responsible.

His Excellency directs me to remind you that the Capitation Grant made by Government for the support of children in Industrial Schools is designed *only* to supplement, and not by any means to supersede, local contributions, or to enable any person to evade the just responsibility which the law imposes. And I am to request that Magistrates will take care that in all cases which may be brought before them, and in which it shall be proved that the defendant is bound and able to contribute towards the support of any child in an Industrial School, an Order for contribution shall be made of proper and adequate amount, having regard to all the circumstances of the case.

In order to facilitate the action of Magistrates, as far as practicable, His Excellency has caused a new Form of Detention Order to be prepared and issued, and a Copy of such Form is hereunder printed.

INDUSTRIAL SCHOOLS ACT (IRELAND), 1868.

31 Vic. c. 25.

Form (A)—ORDER SENDING CHILD TO INDUSTRIAL SCHOOL.

County of _____
Petty Sessions District of (a) _____
to wit, _____

(a) Or Police District of Dublin Metropolis.

County of _____

(b) Or I, one of the Police Magistrates of the Dublin Metropolitan Police District, (c) Name and also Address (if any),

(d) Insert Religious Denomination, (e) Insert Names and Addresses of the Witnesses examined.

whose Religious persuasion, as ascertained according to the provisions of Section 15 of the said Act, is (d) _____ and who has been proved before us by the evidence of (e) _____

BE IT REMEMBERED that on the _____ day of _____ 18____, in pursuance of The Industrial Schools Act, Ireland, 1868, We two of His Majesty's Justices of the Peace in and for the said _____ of _____ (b) do order that (c) _____ to (f) _____

(f) Here state briefly, but with necessary precision, the exact facts showing the grounds on which the Magistrates in Petty Sessions or Divisional Police Magistrate decide that the child is a juvenile and fit subject to be detained in an Industrial School.

(g) Name of School, (h) Locality of School.

be sent to the (g) Certified Industrial School at (h) _____

(i) He or She, (j) Date to which the detention is to continue, (k) Or Divisional Police Magistrate.

and that (i) _____ be detained there until the _____ day of _____ 18____ (j) _____

Signed,

(k) Justices of the said County.

I am, Gentlemen,

Your obedient Servant,

T. H. BURKE.

Since this Circular issued, the 11th Section of the Industrial Schools Act (31 Vic. c. 25), was amended (2nd August, 1880), by the 43 & 44 Vic. c. 15 (which see), which enacts that children lodging, living, or residing with women of infamous character, or in a house frequented by such persons, or who frequent their company, may likewise be sent to Industrial Schools.

JOHN LENTAIGNE, *Inspector.*

1880 December, 1880.

DUBLIN CASTLE,
25th June, 1874.

SIR,—I am directed by the Lord Lieutenant to state to you, for the information of the Grand Jury of your County at the approaching Assizes, that the attention of the Grand Jury of the County of Kerry, at the Summer Assizes, 1873, having been drawn to the subject of Industrial Schools, they appointed a Committee to inquire and report as to the working of the Industrial Schools Act in that County. The Committee accordingly inquired, and presented to the Presentment Sessions and to the Grand Jury, at Spring Assizes, 1874, a report of which a copy is hereto annexed.

The cases of the children named in the Schedules to that report were carefully inquired into by the Inspector of Industrial Schools, and the result has been that several children have been discharged from the schools, and sent to their parents; and that in several other cases, which have been again brought before the Magistrates in Petty Sessions, parents have been ordered to pay increased contributions towards the support of their children.

The action thus taken by the Grand Jury of the County of Kerry appears to His Grace to be so wise and salutary that he has thought it right to cause it to be communicated to other Grand Juries in the hope that they may see fit to institute similar inquiries in their respective counties; and I am therefore directed to request that you will lay this letter before the Grand Jury of your County for their consideration.

I am, Sir,

Your obedient Servant,

T. H. BURKE.

The Secretary
to the Grand Jury of the County of

COPY OF THE REPORT REFERRED TO IN THE FOREGOING LETTER.

In pursuance of the resolution of the Grand Jury of the Summer Assizes of 1873, by which we were appointed to inquire and report to the next Presentment Sessions and to the Grand Jury as to the working of the Industrial Schools Act in this county, and especially whether there are any inmates now charged on the County Cess who are not, within the meaning of the Industrial Schools Act, proper objects for admission into such Schools, we now beg to state that we have held several meetings for the purpose of making the inquiry so directed, and submit this our report to the Sessions and Grand Jury as the result of our labours.

We are of opinion that the Act is calculated to confer much benefit on the community, and that it will work well when a little more experience is acquired and caution used on the part of those who have to carry it into operation, particularly with reference to the children ordered by the Magistrates to be sent to these schools, and the sums directed to be paid for their support by those who, under the 29th section of the Act, may be considered liable to contribute towards it.

We are also of opinion that there are several children, inmates of the schools in this county, and charged on the County Cess, who, as appears to us, are not proper objects for admission into them, within the meaning of the Industrial Schools Act, and we have set forth in the Schedule hereto annexed, and marked A, the names of such children; and that there are several other children for whose maintenance some contribution ought to be paid under the 29th section of the Act, but that no order has been made for such contribution, and none has been paid, and we have set forth in the Schedule hereto annexed, marked B, the names of such children; and that there are several other children for whose maintenance a contribution has been ordered, under the 29th section, but that the amount of such contribution appears to us to be insufficient, and we have set forth in the Schedule hereto annexed, marked C, the names of these children.

The only schools established in this county under the Act are in Tralee and Killarney, and these appear to us to be well conducted and managed; the children carefully attended to, well fed and clothed, and looking cheerful and contented.

We beg to call attention to the large amount of taxation imposed on the county for the support of these schools, in order to impress on the Presentment Sessions and the Grand Jury the necessity of closely looking into the expenditure of all moneys granted on account of them, and we strongly recommend the Sessions and Grand Jury to require that a full account of such expenditure, giving every item in detail, and accompanied with the vouchers for each, should accompany and be annexed to every application for a presentment or grant of money.

M. F. SANDES, *Chairman.*

DUBLIN CASTLE,

2nd May, 1876.

GENTLEMEN,—It having been brought under the notice of His Grace the Lord Lieutenant that very inadequate amounts of moneys are levied in Ireland, under the provisions of the Reformatory and Industrial Schools Acts, from parents and guardians in aid of the cost for maintenance of children in these schools, I am directed to call your particular attention to the 23rd and 24th sections of the Act 31 and 32 Vic., c. 59, and to the 29 and 30 sections of the Act 31 Vic., c. 25, which direct that persons on whom the responsibility of contributing to the support of children detained in the schools is imposed by law, shall be compelled to contribute for that object such a weekly sum, not exceeding 5s. per week, as seems proper and reasonable.

Cases have been submitted to His Grace, in some of which Magistrates have (possibly without sufficient grounds) declined to make any order for contribution on the parties legally responsible, and in others, where the amount ordered to be contributed has been (apparently) incommensurate with the requirements and circumstances of the cases and the means of the person compelled by law to contribute towards the support of the children whom they are bound to maintain.

His Grace desires me to point out that the capitation grant made by the State for the support and maintenance of children in Reformatory and Industrial Schools is intended to guarantee to Managers an amount sufficient (if aided by local contributions) for the proper and suitable maintenance of the institutions. It is not, however, intended that a such a guarantee by the State should supersede local contributions, or enable parents or guardians to evade the just responsibility which the law imposes on them for the maintenance of their children; and I am to express His Grace's earnest hope that Magistrates will, in all cases brought before them, make such contributory orders upon the parents as will fully meet the circumstances of each case. The necessity for Magistrates adopting this

course must be apparent when it is borne in mind that the Treasury regard the amount of parental contribution as an essential element in the basis upon which the estimates for the support of the schools in Ireland, as in England and Scotland, should be framed.

His Grace further feels assured that the Magistrates will concur with him in opinion that it is the paramount duty of all parents to support their children, and that parental neglect, so far from releasing them from that obligation, rather increases their responsibility, and that it is therefore very desirable that drunken, idle, and dissipated parents should be forced to contribute liberally towards the support of their children in Reformatory and Industrial Schools, and should be legally proceeded against, when they fail to do so.

It is therefore the duty of the Bench when considering each case, to ascertain the weekly earnings of the parents, the number of persons dependant on them, and all other matters connected therewith, and the fullest amount which the circumstances may justify should in every case be levied on the parent, so as to indemnify the public as far as possible for the cost and support of the child. If the pecuniary means of the parent should at any subsequent period improve, an order for an increase in the weekly rate of payment should be made; and His Grace learns with regret that such increase in the rate of payment is very exceptional.

It must also be remembered that the parents would (if the child had not been sent to the school) have been bound to support him, and His Grace need not point out that the obligation imposed on parents to pay a weekly sum proportionate to their means has a most salutary moral effect, while it diminishes the cost of these institutions to the public. It is therefore desirable that the Magistrates should from time to time cause inquiry to be made as to the means of the parents of children who have already been sent forward by them with the view of compelling contribution when it is practicable to do so.

The attention of the Lord Lieutenant has also been called to the unnecessary expense sometimes incurred by Police authorities consequent on the conveyance of children to schools in which there were not vacancies. His Grace desires me to call your attention to the 12th section of the Act 31 Vic., cap. 25, which empowers Magistrates to order temporary detention of a child in the Union Workhouse pending inquiry respecting the school to which he or she may be sent, and he would suggest that whenever a doubt exists as to the admission by the Managers of a child into the school, Magistrates should avail themselves of the provisions of that section, before incurring the expense of sending the child.

His Grace desires me in conclusion to add, that it is very important the Magistrates when making detention orders under the Industrial Schools Act should bear in mind that their jurisdiction depends on the apparent age of the child, and that as no child can lawfully be detained under the 11th section unless "apparently under the age of fourteen years," nor under the 13th section unless "apparently under the age of twelve years," it is most advisable that such apparent age should be expressed on the face of the order in proceeding under the foregoing sections respectively; and further that when any doubt exists as to the apparent age of the child, the Magistrates should require some satisfactory evidence on the subject before making their order.

I am, Gentlemen,

Your obedient Servant,

T. H. BURKE.

DUBLIN CASTLE,
8th July, 1881.

SIR,—I am directed by the Lord Lieutenant to transmit, for the information of the Grand Jury of your County, a copy of a Circular which has been addressed to Magistrates at Petty Sessions throughout Ireland, relative to the establishment of a Probationary Industrial School for Roman Catholic Boys of tender years, at Kilmore, Santry, County Dublin.

I am, Sir,

Your obedient Servant,

T. H. BURKE.

The Secretary
of the Grand Jury for the County of

CIRCULAR TO MAGISTRATES AT PETTY SESSIONS.

DUBLIN CASTLE,
8th July, 1881.

GENTLEMEN,—With the view of obviating the necessity of sending to Gaol children of tender years, the Chief Secretary has now certified a Probationary Industrial School at Kilmore, Santry, County Dublin, for 50 Roman Catholic boys under 12 years of age, sentenced by Magistrates under the 13th Sec. of the Industrial Schools Act, 31 Vic., cap. 25.

The Kilmore School will be open exclusively for the reception of young offenders of the Roman Catholic Religion, under the above Section (13th) of the Industrial Schools Act. Such young offenders will, so far as the limits will admit, be received from any County in Ireland, whose Grand Jury may have previously contracted with the Managers of the School for the reception of children on committal.

The establishment of this Probationary Industrial School has become necessary, inasmuch as Managers of ordinary Industrial Schools frequently object to receive into their Establishments children committed under the above section, and consequently very many young boys who have never been previously convicted, and who would be eligible for an Industrial School, are now sent to gaol. To meet this difficulty it is very desirable that Magistrates should avail themselves of the establishment of the Kilmore Probationary Industrial School, and that as far as possible no Roman Catholic boy, under 12 years of age, sentenced under the 13th Sec. of the Act, should be sent to Gaol and a Reformatory.

I am, Gentlemen,

Your obedient Servant,

T. H. BURKE.

CIRCULAR TO MAGISTRATES AT PETTY SESSIONS.

DUBLIN CASTLE,

19th June, 1884.

GENTLEMEN,—I beg to call your attention to the serious inconvenience that frequently arises from the Committal by Magistrates of Children to Industrial Schools in Ireland in which vacancies for such Children do not exist. You will, therefore, in order to prevent the repetition of such inconvenience, be good enough to ascertain from the Managers of the Industrial School to which it may be your intention to commit a Child, (1), whether a vacancy exists or not; or (2), whether the Managers of the School will accept and provide for the Child free of charge to the Treasury until a vacancy can be created in the School either by transfer, discharge, or release on Licence of an Inmate.

I am, Gentlemen,

Your obedient Servant,

G. O. TREVELYAN.

CIRCULAR TO MAGISTRATES AT PETTY SESSIONS.

DUBLIN CASTLE,

18th July, 1884.

GENTLEMEN,—I am directed by the Lords Justices to inform you that the Certificate granted on the 23rd December, 1863, for St. Joseph's Reformatory School for Roman Catholic Girls, Ballinasloe, County Galway, under the provisions of the Act 21 & 22 Vic., cap. 103, has been withdrawn, and the Building has been certified as an Industrial School for Roman Catholic Girls under the provisions of the Act 31 Vic., cap. 25.

Your special attention is requested to the fact that, in addition to taking Children committed under the 11th section of the Act, the Managers of the new Industrial School are specially bound to admit thereto all Roman Catholic Girls committed under the 13th section of the last-named Act from any part of Ireland, and I am to point out to you the desirability of your making use of the School as far as possible for that purpose.

I am, Gentlemen,

Your obedient Servant,

G. O. TREVELYAN.

B 2

CIRCULAR TO MAGISTRATES AT PETTY SESSIONS.

DUBLIN CASTLE,

6th May, 1893.

GENTLEMEN,—I am directed by the Lords Justices to inform you that the Certificate granted on the 6th July, 1860, for St. Patrick's Reformatory School for Roman Catholic Boys, Upton, County Cork, under the provisions of the Act 21 & 22 Vic., cap. 103, has been withdrawn, and the Building certified under the provisions of the Act 31 Vic., cap. 25, as the Danesfort Industrial School for Roman Catholic Boys, Upton, County Cork.

Your special attention is requested to the fact that, in addition to taking Children committed under the 11th section of the Act, the Managers of the new Industrial School are specially bound to admit thereto all Roman Catholic Boys committed under the 13th section of the last-named Act from any part of Ireland, and I am to point out to you the desirability of your making use of the School as far as possible for that purpose.

I am, Gentlemen,

Your obedient Servant,

WEST RIDGEWAY.

INDUSTRIAL SCHOOLS ACT, 1868.

New Form of Detention Order.

CHIEF SECRETARY'S OFFICE,

DUBLIN CASTLE,

18th May, 1893.

REGISTRAR OF PETTY SESSIONS CLERK.

The annexed Form is to be used in future in substitution for that enclosed in the Circular to Magistrates at Petty Sessions, dated 30th May, 1873. A supply of the Forms will be sent to you to enable you to send one to each Petty Sessions Clerk.

D. HARREL.

INDUSTRIAL SCHOOLS ACT (IRELAND), 1868, 31 VIC., CAP. 25.

FORM (A).—ORDER SENDING CHILD TO INDUSTRIAL SCHOOL.

County of _____
Petty Sessions District of (1)
_____ to wit.

the said County of _____
of _____

whose Religious Persuasion, as ascertained according to the provisions of Section 15 of the said Act, is (2)

and who has been tried before us by the evidence of (3)

of (4)

be sent to the (5)

School at (6)

BE IT REMEMBERED, that on the _____ day of _____ 1893, in pursuance of the Industrial Schools Act (Ireland), 1868, We, two of Her Majesty's Justices of the Peace in and for (7) do order that (8)

Certified Industrial
and that (9)
be detained there until the

day of _____ 1893. (10)

Signed,

(11)
Justice of
the said County.

(1) Or Police District
of Dublin Metropolitan.

(2) Or, I, one of the
Justices of the Peace,
Magistrate of the Dublin Metropolitan
Police District.

(3) Name, and also
Address of Magistrate,
or Justices of the Peace,
Residing in the District.

(4) Insert Name and
Address of the Witness
examined.

(5) Here state concisely,
but with accuracy and
precision, the facts in
support of the charge,
showing the grounds on which
the Magistrate or Justices
of the Peace are of opinion
that the Child is a Jeweled
and is subject to be detained
in an Industrial School.

(6) Name of School.
(7) Localities of School.
(8) Name of Child.

(9) Date to which
the Detention is to
continue.

(10) Or District
Police Magistrate.

INSTRUCTIONS]

The following is a summary of the only grounds upon which a lawful Order of Detention can be made, namely:—

Under the Industrial Schools Act (Ireland), 1868 (31 Vic., c. 25), s. 11, the child must be apparently under fourteen years of age, and must also be—

- (1) A child found begging or receiving alms, whether doing so actually or under pretext of selling anything or offering anything for sale; or
- (2) A child being in any street or public place for the purpose of begging or receiving alms, whether actually doing so or under pretext of selling anything or offering anything for sale; or
- (3) A child found wandering, and not having any home; or
- (4) A child found wandering, and not having any settled place of abode; or
- (5) A child found wandering, and not having proper guardianship; or
- (6) A child found wandering, and not having visible means of subsistence; or
- (7) A child found destitute, and being an orphan without any parent; or
- (8) A child found destitute, and having a surviving parent who is undergoing penal servitude or imprisonment; or
- (9) A child who frequents the company of reputed thieves; or
- (10) A child who shall be apparently under twelve years of age, and charged before two or more Magistrates in Petty Sessions, or before a Divisional Magistrate in a Dublin Police Court, with an offence punishable by imprisonment, or a less punishment, but who has not been convicted of felony, and who in the opinion of such Magistrates or Divisional Magistrate, ought (regard being had to the age of the child and the circumstances of the case) to be dealt with under the Act (s. 13); or

Under the Industrial Schools Acts Amendment Act, 1880 (43 & 44 Vic., c. 15)—

- (11) A child lodging, living, or residing with common or reputed prostitutes, or in a house frequented by prostitutes for the purpose of prostitution, or who frequents the company of prostitutes; or

Under the Prevention of Crimes Act, 1871 (34 & 35 Vic., c. 112, s. 14)—

- (12) When a woman is convicted of crime, as defined by the 20th Section of that Act "The expression 'crime' means in Ireland any felony, or the offence of uttering false or counterfeit coin, or of possessing counterfeit gold or silver coin, or the offence of obtaining goods or money by false pretences, or the offence of conspiracy to defraud, or any misdemeanour under the fifty-eighth section of the Act passed in the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-six," 34 & 35 Vic., cap. 112, sec. 20, and a previous conviction is proved against her, her child or children fulfilling all of the following conditions, namely:—
 - (a) Under fourteen years of age,
 - (b) And under her care and control when she is convicted of the last of such crimes,
 - (c) And who have no visible means of subsistence, or are without proper guardianship.

In any of the foregoing cases the Detention Order may be made by two Magistrates in Petty Sessions, or a Divisional Magistrate in a Dublin Police Court, or in (12) the order may be made by the Court before which such woman is convicted.

N.B.—For a legal commitment a case must come wholly within some one of the twelve above-mentioned grounds, and the particular one of these grounds which is applicable must be recited in the order in the precise terms above set forth.

A child cannot under the present law be committed from a Workhouse to an Industrial School. Successive Law Officers of the Crown have advised that a child receiving relief in a Workhouse is not "found destitute" within the words of the Act.

In any case of an irregular commitment to an Industrial School, the Chief Secretary for Ireland is bound on the facts coming before him to order the discharge of the child forthwith. A careful compliance with the above instructions is therefore essential.

CIRCULAR TO MAGISTRATES AT PETTY SESSIONS.

IMPROPER COMMITTAL OF CHILDREN TO INDUSTRIAL SCHOOLS.

DUBLIN CASTLE,

22nd May, 1896.

GENTLEMEN,—I am directed by the Lord Lieutenant to state that His Excellency has reason to believe that instances occur where children who are not proper subjects for committal, are nevertheless brought by persons interested before Magistrates in Petty Sessions with the object of having them committed to Industrial Schools. The usual device adopted is to send out such children to beg in order ostensibly to qualify for these institutions. The Magistrates are thus misled, and the result is that improper committals are made which cast an unnecessary burden on the taxpayer, and, not infrequently, lead to the exclusion of children who would properly come within the Acts, and for whom these institutions were solely intended.

This evil engaged the special consideration of the Royal Commission on Reformatories and Industrial Schools so far back as the year 1852, and His Excellency now thinks it advisable to commend for the guidance of Magistrates a suggestion made by that Royal Commission with a view of supplying an effective check to the admission of improper cases, namely, that *orders for such committals should, whenever possible, be made upon evidence given in open Court and only after remand and inquiry by the Police.*

I am, Gentlemen,

Your obedient Servant,

D. HARREL.

CIRCULAR TO MAGISTRATES IN PETTY SESSIONS AND
THE DUBLIN POLICE MAGISTRATES.

DUBLIN CASTLE,

1st October, 1898.

GENTLEMEN,—I am directed by the Lord Lieutenant to inform you that His Excellency's attention has been called to the fact that owing, perhaps chiefly, to a want of full information regarding the antecedents of children brought up for committal to Industrial Schools, numerous committals have from time to time been made of children belonging to a class for whom detention in an Industrial School was never intended; and with a view of having all the facts placed fully before the Magistrates, His Excellency has directed that instructions shall be given to the Constabulary to make inquiries with regard to children brought up for committal, and that the member of the Constabulary making the inquiry in each case shall attend before the Magistrates and make

a deposition, giving the result thereof in detail so as to enable them to decide, if it be expedient, to deal with the case under the Industrial Schools Act (Ireland), 1868, and that a copy of such deposition shall be forthwith sent by the Clerk of Petty Sessions to the Inspector of Reformatory and Industrial Schools at his Office in Dublin.

His Excellency has instructed the Inspector to intimate to Managers of the Schools that the necessary steps will be taken for the discharge of any child in whose case there is not satisfactory evidence that he or she was a proper subject for committal.

His Excellency directs me to state that he considers this step necessary in the interests of the poor children for whose benefit the Act was really intended, but many of whose places in the Schools are now filled by quite another class.

In order to remove any misunderstanding on the subject, His Excellency desires me to explain that he is advised that the Act was designed for the saving of children who, if not rescued from their surroundings, would grow up in vice, and add to the criminality of the country.

His Excellency is further advised that the words "begging" and "receiving alms" in section 11 of the Act are not satisfied by fictitious cases of begging or receiving alms. The practice of sending out children to beg or "receive alms," in order to bring them within the letter of section 11, is calculated to defeat the intentions of the Act, and is an abuse of its provisions. The section provides that Magistrates are only to make an order, "if satisfied of the fact," that the child comes within one of the descriptions, and that it is expedient to deal with the case under the Act, thus enabling them to refuse to make an order where the alleged "begging" or "receiving alms" is a colourable proceeding.

In order to carry out the Act more effectually His Excellency desires me to repeat the suggestion made to the Magistrates by the Circular, dated 22nd May, 1896, viz.:—That detention orders should, whenever possible, be made after remand and upon evidence given in open Court,

I am, Gentlemen,

Your obedient Servant,

D. HARRELL.

INDUSTRIAL SCHOOLS (IRISH),
CIRCULARS.

Letter to an Order of the House of the House of
Commons, dated 8 March, 1899, -/for/

A "Review giving text of all Circulars issued by
order of the Lord Lieutenant of Ireland in
connection with the administration of the
Industrial Schools (Irish) Act."

(Mr. Dillon.)

Order by the House of Commons, adopted,
March 11, 1899.

Price 6d.

Order 2 m.

104.